IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 593 of 2002 (M/B)

1. Ataria Devi Mandir Sthal,
   Village Jagatpur, Tehsil Kiccha,
   Udham Singh Nagar.
2. Mahant Bhola Nath,
   Pujari of Ataria Devi Temple,
   Village Jagatpura, Tehsil Kiccha,
   Udham Singh Nagar. ……. Petitioners

Versus

1. State of Uttaranchal,
   through Revenue Secretary, Dehradun
2. State of Uttaranchal,
   through District Magistrate, Nainital.
3. District Magistrate, Udham Singh Nagar.
4. Sub Divisional Magistrate, Rudrapur,
   Udham Singh Nagar.
5. Tehsildar, Tehsil Kiccha,
   Udham Singh Nagar.
6. Shree Kishan S/o Sri Ram Das,
   R/o Fool Sunga, Tehsil Kichha,
   Udham Singh Nagar.
7. Ram Surat S/o Sri Ghurai,
   R/o Sunga, Tehsil Kichha,
   Udham Singh Nagar.
8. Ram Dhari S/o Sri Sahnee,
   R/o Fool Sunga, Tehsil Kichha,
   Udham Singh Nagar.
9. Paltan S/o Sri Raghuveer,
   R/o Fool Sunga, Tehsil Kiccha,
   Udham Singh Nagar.
10. Pyare Lal S/o Narayan,
    R/o Simla Bahadur, Tehsil Kiccha,
    Udham Singh Nagar.
11. Tota Ram S/o Sri Shankar Ram,
    R/o Simla Bahadur, Tehsil Kiccha,
    Udham Singh Nagar.
12. Gauri Shankar S/o Ram Janm,
    R/o Simla Bahadur, Tehsil Kiccha,
    Udham Singh Nagar.
13. Shree Ram, Daleep Kumar, Lalit Kumar,
    S/o Sri Shiv Charan,
    R/o Simla Bahadur, Tehsil Kiccha,
    Udham Singh Nagar.
14. Genda Lal S/o Meelal,
    R/o Simla Bahadur, Tehsil Kiccha,
    Udham Singh Nagar.

15. Govardhan S/o Sri Jag Deo,
R/o Simla Bahadur, Tehsil Kiccha,
Udham Singh Nagar. ……. Respondents.

Mr. S.S. Yadav, Advocate for the petitioners.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondents Nos. 1 to 5.
None for respondents Nos. 6 to 15.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. S.S. Yadav, Advocate for the petitioners.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondents Nos. 1 to 5.
None for respondents Nos. 6 to 15.
They are heard on admission.

2. The petitioners have filed this writ petition for the following reliefs:

> "i Issue a writ order or direction in the nature of certiorari quashing the impugned order dated 17.2.84 by Respondent No. 4 (Annexure 13) to the writ petition that came into effect fully on 23.3.02 (Annexure 14) to the writ petition.
> ii Issue a writ order or direction in the nature of mandamus permitting the petitioner to collect the Tah Bazari as was collecting earlier because allotment of temple's land is wrong.
> iii Issue a writ of mandamus directing the Respondent No. 3 to enquire the matter properly and direct to vacate the land of the Mandir Ataria which was allotted wrongly to the Respondent No. 6-15.
> iv) Issue a writ order or direction as deem fit and proper in the circumstances of the case.
> vi So God help Me."

3. The petitioners, in substance, are seeking quashing of Annexure No. 13 and Annexure No. 14. On a perusal, it is revealed that Annexure No. 13 is not an order, but are revenue entries made in the revenue records sometime in the year 1984. The present writ petition was filed by the petitioners after about 18 years in the year 2002.

4. The petitioners could have challenged the revenue entries by taking recourse to the statutory remedies available to the petitioners under the relevant provisions of law. For the reasons best know to the petitioners, the statutory remedies were not availed and this writ petition has been filed after inordinate delay of 18 years of the making of the revenue entries vide Annexure No. 13.

5. The other annexure, quashing whereof is sought in the writ petition, is Annexure No. 14, whereby City Magistrate / Sub Divisional Magistrate, Rudrapur has issued direction for the arrangement of the Ataria Devi Mandir Mela, which was to be held during the period 20.04.2002 to 03.05.2002. The arrangement made by City Magistrate / Sub Divisional Magistrate, Rudrapur vide Annexure No. 14 was only for the year 2002.

6. In this view of the matter, the reliefs sought by the petitioners in the writ petition cannot legally be granted. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

7. Consequently, the interim order dated 10.04.2003 stands vacated automatically.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
15.07.2006 15.07.2006

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